

RUMSON PLANNING BOARD
MINUTES
October 3, 2016

The regularly scheduled meeting was called to order at 7:30 pm with a salute to the flag.

The roll was called with the following members present: Chairman Lospinuso, Councilman Rubin, Mayor Ekdahl, Mrs. White, Mr. Clark, Mrs. Baret, Mr. Shanley, Mr. Hewitt, Mr. Nixon, Mr. Casazza
Absent: Mrs. Williams

Also present: Michael B. Steib, Esq., Fred Andre', Bonnie Heard representing T&M Associates and State Shorthand Reporting Service.

The requirements of the Open Public Meetings Act were stated as met.

Mr. Steib asked for approval of the August 1, 2016 Planning Board Minutes. Mr. Casazza makes a motion to approve the Minutes as submitted, Seconded by Mrs. White.

Roll call vote:

Ayes: Councilman Rubin, Mayor Ekdahl, Mrs. White, Mr. Clark, Mrs. Baret, Mr. Nixon, Mr. Casazza

Nays: None

Abstain: Chairman Lospinuso, Mr. Shanley, Mr. Hewitt

Mr. Steib stated that the first item of business tonight is an informal review for Howard and Marie Hubler which is a proposed Minor Subdivision for the property at 7 Somerset Drive in the R-1 Residential Zone, known as Block 18, Lot 41.01. Mr. Steib advised the Board and the public that this is a nonbinding proceeding and no sworn testimony is necessary. The applicant is presenting their proposal for any comments or suggestions/recommendations that the Board Members might have initially and this review is nonbinding on both the Board and the applicant.

Mark Aikins, Esquire, representing the applicants addresses the Board and introduces Patrick Ward, a New Jersey licensed planner and engineer to explain the concept site plan. Mr. Ward explains the survey of the property. The property is currently developed with a two-story, single-family dwelling having frontage on Somerset drive, also a right-of-way access easement on the west side of the property along Sheridan Lane. The applicant is seeking to subdivide the property into two single-family lots. The existing nonconformities with this lot in its present condition are as follows: Lot Frontage nonconformity along the right-of-way; existing 127 feet where 200 feet is required; Lot Width along the west side of the property, existing is 136 feet where 200 is required; Lot Circle diameter is 52.9 feet where 115 feet is required; a minor nonconformity is the location of the generator location which is technically in the front yard and exceeds the maximum distance from the dwelling at 75 feet where the maximum is 25 feet; Lot Coverage is over 37,000 square feet whereby virtue of the lot size 32,688 is the maximum allowable; Front yard setback where the main dwelling is less than 100 feet from Somerset Drive. Under the proposal that will be eliminated.

With the proposed Minor Subdivision the dwelling will remain on "Lot A", which will have frontage on Sheridan Lane, the Somerset Drive frontage will be eliminated. And "Lot B" is the rear east of the property with a 50-foot-wide segment that maintains a 200-foot frontage on Somerset Drive. No new variances would be created by this proposal. All the current driveway accesses are proposed to remain with a 30-foot-wide access easement from Lot A to maintain access from Somerset Drive. The Lot Coverage on Lot B will comply with the removal of the tennis court.

After thorough review of the survey and Minor Subdivision. Ms. Heard advised that the proposed new Lot B will require a variance for the Lot Shape Circle, because it doesn't have the required depth from the front property line on Somerset Drive. And Lot A is not fronting on an improved public street. The proposal eliminates the Somerset Drive frontage even though there is access through an easement.

Board Members question granting the creation of an irregularly shaped lot, although is not necessarily a flag lot; they recommend the applicant review the proposal and perhaps revisit the dual access to the properties, and suggests more detailed plans. Documentation will be supplied when a formal application is presented from the Police and Fire Departments and any other Municipal entity regarding the lot that does not front on an approved improved public street.

Mr. Aikins thanked the Board for their time and consideration. Chairman Lospinuso thanked the applicant for the diligence and looks forward to seeing more details.

Mr. Steib announced the application of Clockworks Development, L.L.C., being a Minor Subdivision application for the property at 54 South Shrewsbury Drive and 11 Osprey Lane in the R-1 Zone known on the Tax Map as Block 126, Lots 11 and 10. Proposal is to subdivide the property into three single-family lots. A rectangular-shaped corner Lot 11.02 consisting of 65,455.07 square feet, which is 1.503 acres with 232 feet of frontage on Osprey lane, 321.97 feet of frontage on Shrewsbury Drive. The existing dwelling is proposed to remain. A variance is required for this lot as 250 feet of frontage is required and 232 feet is currently provided under existing condition and will not be changed, diminished or increased. A proposed rectangular interior Lot 11.03 on Osprey Lane with an area of 80,056.95 square feet, which is 1.838 acres having 241.69 feet of frontage on Osprey Lane with a new dwelling. Proposed rectangular Lot 11.01 on Shrewsbury Drive will have an area of 90,244.30 square feet, 2.07 acres with 201.91 feet of frontage on Shrewsbury Drive with a new dwelling.

The Service has been reviewed and in order. The Board has jurisdiction to hear the application, and needs to review the completeness waivers. Ms. Heard advised there are three completeness waivers she recommends be granted. One being the list of variances required and requested; a list of design waivers and the statement from the utility companies. They can be added as part of the next plan revision.

Councilman Rubin makes a motion to grant the completeness waivers for purposes of this hearing; Seconded by Mrs. Baret.

Roll call vote:

Ayes: Chairman Lospinuso, Councilman Rubin, Mayor Ekdahl, Mrs. White, Mr. Clark, Mrs. Baret, Mr. Shanley, Mr. Hewitt, Mr. Nixon, Mr. Casazza
Nays: None

The following exhibits are received by the Board. Exhibit A-1, Minor Subdivision Application of Clockworks Development, L.L.C., Edward and Mary Ellen Cushing dated July 8, 2015. Exhibit A-2, Minor Subdivision Plan prepared by Two River Engineering dated July 1, 2015 revised through July 8, 2016 consisting of four sheets. Exhibit A-3, Stormwater Management Report prepared by Two River Engineering dated July 1, 2015. Exhibit A-4, Completeness and Engineering Review prepared by T&M Associates dated August 10, 2015. Exhibit A-5, Completeness and Engineering Review prepared by T&M Associates dated September 29, 2016. Exhibit A-6a through A-g being a series of 7 photographs of trees and vegetation on the subject property.

Rick Brodsky, Esquire of the firm Ansell, Grimm and Aaron representing the applicant addresses the Board. Mr. Brodsky stated the application proposes to take two existing lots and subdivide and adjust lot lines to form three lots. One of the two existing homes is proposed to be demolished and replaced and a third home constructed on the vacant third lot. One variances being requested is for Lot Frontage on Lot 11.02, which currently has 200 feet of frontage on Osprey and that will be increased to 232 feet should the subdivision be approved. Lot 11.02 requires a variance for Lot Circle currently at 72' and will be increased to 92'.

Mr. A.J. Garito, NJ licensed engineer on the application is sworn and his credentials are accepted the Board. Mr. Garito submitted Exhibit A-7 Color rendering of Sheet 2 of 5 of the submitted Sudivision Plans entitled "Existing Condition Plan". Mr. Garito orients the Board and explains the two existing lots to be subdivided. Mr. Garito submits a photoboard marked as Exhibit A-8 consisting of six color photographs of the existing property and explains each photograph.

Mr. Garito also submitted for purposes of the presentation as Exhibit A-9 colored rendering of Sheet 4 of 5, which is the grading and utility plan submitted showing the proposed new lot lines. The proposal is to remove the existing dwelling on Lot 11 and a new structure is proposed. The 50-foot buffer associated with the wetlands will be maintained has received an LOI from the DEP and there is no proposed disturbance to the area.

Lot 11.01 is proposed to have a house with access onto Shrewsbury Drive, maintaining the buffer in the wetlands in the rear, the wooded area to the east and south of the property. Proposed Lot 11.02 is lot with the existing dwelling. No improvements are proposed on that lot that some minor grading improvements. On proposed Lot 11.03 the house will be removed and a new dwelling will be constructed. Most of the existing driveway will remain the same. The proposed new house will be north of the existing structure and will improve the buffer to the wetlands area. The new house has not been fully designed yet but will be of similar design, size, character and grading of the remaining house. Stormwater managements improvements will be applied to these properties. The

elevations of the new homes will comply with ordinances and Sandy requirements.

Mr. Garito reviewed the T&M Associates' engineering report and reviewed the requested variances associated with this application also the improved conditions that were granted previously. The stormwater report will comply completely with the Stormwater Management requirements.

Chairman Lospinuso open the applicant's engineer up for questions from the public. Wayne Gay asks for clarification on the direction of the flow of water and if it will add to the overall conditions. Mr. Garito explained that shifting the new dwelling and removing some impervious coverage will allow the water to percolate into the ground and there will be no water added to the wetland area.

Mr. William Brooks, professional arborist is sworn and the Board accepts his credentials. Mr. Brooks stated he was hired to ascertain compliance with the Borough's Tree Protection Ordinance. Mr. Brooks explains the photographs that were received as Exhibit A-6a through A-6g. Mr. Brooks did a tree inventory and assessed the overall conditions on the most heavily forested lot with frontage on Shrewsbury Drive. Mr. Brooks stated as some point in time this property was agricultural land with an unclear date as to when that situation ceased. None of the tree located on the lot were planted. All of species located on the property are indicative of a very wet area such as, Sweet Gum, Sour Gum, Red Maple, Hickory, Pin Oaks, Black Oaks, Sassafrass along with various invasive species. There are several dead trees in the wetland area which can be removed under the DEP Routine Selective Maintenance however the slumps need to remain intact and can be ground down six inches below grade to allow for grass and maintain soil stability. The applicant will comply with these measures. There are no significant specimen trees proposed for removal. The only issue is the removal of American Hollies, which are very poor condition and not representative of an American Holly as a landscape plan. The applicants agree to replace these on a one-for-one basis with six to seven-foot American Hollies. 30 percent of the total caliper inches of trees six inches or larger remove will be replaced by the applicant with new tree of at least three-inches in caliper. Street trees will be provided on three frontages as specified by the ordinance.

With the applicant's presentation concluded and there being no further Board or public questions, Chairman Lospinuso opens the application for public comment. Dorothy Gay, residing at *** shared her concern with the drainage as the area is usually flooded and has no objection to the proposed subdivision or new homes. There being no further public comment, the public portion is closed.

Chairman Lospinuso asks the pleasure of the Board. Mrs. Baret makes a motion to approve the application with the following conditions, compliance with the technical comments contained in the Board Engineer's report, compliance with the Borough's Stormwater Management Ordinance, no significant specimen trees removed other than the American Hollies which will be replaced in kind of a size testified to by Mr. Brooks and also the replacement trees being 3.5 inch caliper, and that the applicant has

agreed to comply with all street tree requirements. Motion seconded by Councilman Rubin.

Roll call vote:

Ayes: Chairman Lospinuso, Councilman Rubin, Mayor Ekdahl, Mrs. White, Mr. Clark, Mrs. Baret, Mr. Shanley, Mr. Hewitt, Mr. Nixon, Mr. Casazza

Nays: None

Mr. Steib advised that no Executive Session is necessary.

There being no further matters before the Board, Motion is made and seconded to adjourn at 8:55 pm.

Next scheduled meeting of the Planning Board will be November 7, 2016 at 7:30 pm.

Respectfully submitted,
Michele A. MacPherson